

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Thomas C Dagostino, Jr.**

Case No.: **18-23034**

Judge: **KCF**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

Date: **12-10-2018**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney **RCN**

Initial Debtor: **TCD**

Initial Co-Debtor

Part 1: Payment and Length of Plan

a. The Debtor has paid \$1,700.00 into the Plan and the debtor shall pay \$200.00 Monthly to the Chapter 13 Trustee, starting on January 1, 2018 for approximately 53 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
ROBERT C. NISENSEN	ATTORNEYS FEES	2,000

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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WELLS FARGO BANK NA furniture 951.33 trustee has 462.52

BANK OF AMERICA/CARRING HOME 6,350.42 6,350.42

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-							
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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AMERICREDIT / GM FINANCE 0.00 2017 GMAXC SIERRA ASSUMED

TOYOTA MOTOR CREDIT 0.00 2016 LEXUS LEASE ASSUMED

Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☐ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
PREMIER TRAILER LEASING HOME JUDGMENT	99,283.18	192,500	24,000	326,908	99,283.18		
LOGISTICS DYNAMICS, INC. HOME JUDGMENT	29,612	192,500	24,000	326,908	29,612		
AMERICAN EXPRESS BANK HOME JUDGMENT	29,035.75	192,500	24,000	326,908	29,035.75		

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒

NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
CORRECT CRAM DOWN OF AMERICAN EXPRESS	CORRECT CRAM DOWN OF AMERICAN EXPRESS

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: December 10, 2018 /s/ Thomas C Dagostino, Jr.
Thomas C Dagostino, Jr.
Debtor

Date: _____
Joint Debtor

Date: December 10, 2018 /s/ Robert C. Nisenson
Robert C. Nisenson 6680
Attorney for the Debtor(s)

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Thomas C Dagostino, Jr.
 Debtor

Case No. 18-23034-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 41

Date Rcvd: Dec 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 16, 2018.

db +Thomas C Dagostino, Jr., 19 Hospitality Way, Englishtown, NJ 07726-1645
 cr +BANK OF AMERICA, N.A., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,
 Mt. Laurel, NJ 08054-3437
 cr +Premier Trailer Leasing Inc, c/o Saldutti Law Group, Rebecca K. McDowell, Esquire,
 800 N Kings Highway, Suite 300, Cherry Hill, NJ 08034-1511
 517617885 +AmeriCredit/GM Financial, Po Box 183853, Arlington, TX 76096-3853
 517740689 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 517617888 +Amex, Correspondence, Po Box 981540, El Paso, TX 79998-1540
 517617887 +Amex, C/O Zwicker & Associates, PC, 1105 Laurel Oak Road Suite 136,
 Voorhees, NJ 08043-4312
 517617889 +Atomicbox, Inc, C/O Peter T. Shapiro, Esq, One Riverfront Plaza Suite 800,
 Newark, NJ 07102-5477
 517716777 BANK OF AMERICA, N.A., Bank of America, PO BOX 31785, Tampa FL 33631-3785
 517838048 +Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5951
 517838049 +Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806,
 Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5951
 517617895 +Citibank/The Home Depot, Citicorp Cr Srvs/Centralized Bankruptcy, Po Box 790040,
 St Louis, MO 63179-0040
 517724560 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 517617896 Fuel 360 - Fleetcor/Card Services, 1001 Service Rd. East, HWY 190 Suite 200,
 Covington, LA 70433
 517617897 +Fuelman Mastercard, C/O John C. William & Associates, 1612 Northeast Expressway,
 Atlanta, GA 30329-2003
 517617899 +Leroys Jewelers, Sterling Jewelers, Inc/Attn: Bankruptcy, Po Box 1799,
 Akron, OH 44309-1799
 517617900 +Logistic Dynamics, Inc, C/O Marino, Mayers & Jarrach, LLC, 75 Kingsland Avenue Suite 3,
 Clifton, NJ 07014-2036
 517617903 +Penske Truck Leasing, David Delonge, 30 Montgomery St. Suite 990,
 Jersey City, NJ 07302-3859
 517617904 +Premier Trailer Leasing Inc, C/O Salduttilaw Group, 800 N. Kings Highway, Ste 300,
 Cherry Hill, NJ 08034-1511
 517617908 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit Co, Po Box 8026, Cedar Rapids, IA 52408)
 517688483 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
 Addison, Texas 75001-9013
 517617911 +Visa Dept Store National Bank/Macy's, Attn: Bankruptcy, Po Box 8053, Mason, OH 45040-8053
 517617912 +WFFNB/Bobs Discount Furniture, Po Box 10438, Des Moines, IA 50306-0438
 517658752 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
 517708038 +Wells Fargo Equipment Finance, 2700 S Price Rd., 3rd Floor, Chandler, AZ 85286-7804
 517732617 eCAST Settlement Corporation, PO Box 29262, New York NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Dec 15 2018 00:00:28 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Dec 15 2018 00:00:25 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517617892 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 15 2018 00:05:15 Capital One,
 Attn: General Correspondence/Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 517671443 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 15 2018 00:04:37
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 517617898 +E-mail/Text: creditriskdept@wiley.com Dec 14 2018 23:59:42 John A. Wiley & Sons,
 111 River St. MS 2-01, Hoboken, NJ 07030-5790
 517710355 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 15 2018 00:00:24 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 517617901 +E-mail/Text: bnc@nordstrom.com Dec 14 2018 23:59:49 Nordstrom FSB,
 Attn: Bankruptcy Department, Po Box 6555, Englewood, CO 80155-6555
 517617902 E-mail/Text: webinfo@pac-fin.com Dec 15 2018 00:01:22 Pacific Financial Association Inc,
 1606 W. Whispering Wind Dr., Phoenix, AZ 85085
 517720296 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 15 2018 00:05:58
 Portfolio Recovery Associates, LLC, c/o Best Buy Credit Card, POB 41067,
 Norfolk VA 23541
 517740344 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 15 2018 00:05:18
 Portfolio Recovery Associates, LLC, c/o Pc Richards, POB 41067, Norfolk VA 23541
 517741257 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 15 2018 00:05:18
 Portfolio Recovery Associates, LLC, c/o The Home Depot Consumer, POB 41067,
 Norfolk VA 23541
 517617905 +E-mail/PDF: gecsed@recoverycorp.com Dec 15 2018 00:04:35 Synch/jci Home Dsgn Hv,
 Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
 517621537 +E-mail/PDF: gecsed@recoverycorp.com Dec 15 2018 00:05:51 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 41

Date Rcvd: Dec 14, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517617906 +E-mail/PDF: gecsed@recoverycorp.com Dec 15 2018 00:04:35 Synchrony Bank/Old Navy,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
517617907 +E-mail/PDF: gecsed@recoverycorp.com Dec 15 2018 00:04:35 Synchrony Bank/PC Richard,
Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517617891 Capl/bstby
517617886* +AmeriCredit/GM Financial, Po Box 183853, Arlington, TX 76096-3853
517617893* +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,
Salt Lake City, UT 84130-0285
517617894* +Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285,
Salt Lake City, UT 84130-0285
517617909* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Co, Po Box 8026, Cedar Rapids, IA 52408)
517617910* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Co, Po Box 8026, Cedar Rapids, IA 52408)
517617890 ##+Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012
TOTALS: 1, * 5, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 16, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on December 13, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Elizabeth K. Holdren on behalf of Creditor BANK OF AMERICA, N.A. eholdren@hillwallack.com,
jhanley@hillwallack.com
Nicholas V. Rogers on behalf of Creditor BANK OF AMERICA, N.A. nj.bkecf@fedpne.com
Rebecca Ann Solarz on behalf of Creditor Toyota Lease Trust rsolarz@kmlawgroup.com
Rebecca K. McDowell on behalf of Creditor Premier Trailer Leasing Inc rmcdowell@slgcollect.com
Robert C. Nisenon on behalf of Debtor Thomas C Dagostino, Jr. rnisenon@aol.com,
nisenonlaw@aol.com; g2729@notify.cincompass.com; nisenonrr70983@notify.bestcase.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7